Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

Contempt Petition No. 64 Of 2004

PETITIONER : Sudesh Deshmukh S/o N.R. Deshmukh, aged about 38 years, Speaker cum Nominated Mayor, Municipal Corporation Rajnandgaon, Tehsil and District Rajnandgaon (CG).

Versus

RESPONDENTS CONTEMNERS : 1. Vivek Dhand, Secretary Department of Urban Administration, Mantralay D.K.S.Building, Raipur .

P. R. No. 730/04
Presented by Shri Aman Kesharwani
dated 15.03.04

2. B.K.Sinha ,Special Secretary Government of Chhattisgarh,Depptt of Environment and Urban Develop--ment, D.K.S.Building, Raipur .

CONTEMPT PETITION UNDER ARTICLE 215 OF CONSTITUTION OF INDIA READ WITH SECTION 10 OF CONTEMPT OF COURTS ACT

(20)

HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

SINGLE BENCH : HON'BLE SHRI H.L. DATTU, C.J.

Contempt Petition No.64 of 2004

Petitioner: Sudesh Deshmukh

Versus

Respondents: Vivek Dhand & another

Present:

Shri Awadh Tripathi, counsel for the petitioner.

None appears for the respondents.

ORAL ORDER

(Passed on 1st March, 2007)

This Court, by its order dated 12.9.2003 in W.P. No.2119 of 2003 had granted an interim order in favour of the petitioner. The interim order is as under:

> "Shri Kanak Tiwari very fairly submits that if time is allowed to the respondents to file additional return, he has no objection but since the respondents are seeking time the position as exists today shall be maintained till the next date and the matter may kindly be heard finally on next date.
>
> The submission of Shri Tiwari is just and proper. Since the respondents are seeking one week's time to file additional return, the time is allowed and they are directed to maintain the status quo as exits today, till the next date of hearing.
>
> List the matter for final disposal on 26.9.2003."

2. Unfortunately for the petitioner, the matter was not posted on 26.9.2003 and it was posted only on 8-1-2004. This Court had not extended the interim order granted earlier.

3. It is alleged that the respondents have willfully and deliberately disobeyed the orders and directions issued by this Court by passing order dated 4-2-2004.

4. This Court, while passing the interim order, had specifically stated that the interim order granted by this Court would operate till the next date of hearing. Thereafter, the Court had posted the matter on 26.9.2003. In my opinion, the interim order granted by this Court on 12.9.2003 expired on 26.9.2003. Since the interim order granted earlier was not extended and, therefore, the respondents, by passing order dated 4-2-2004, have removed the petitioner. It cannot be said that the respondents have committed any act of contempt of this Court. In that view, I cannot take cognizance of the contempt petition.

5. Accordingly, the contempt petition is rejected. Ordered accordingly.

Pet

6. Consequently, I.As.No.1548/2004 and 1889/2004, stand disposed of.

Sd/-
Chief Justice